

LEIDER + AYALA-BASS LLP  
Philip A. Leider (Cal. Bar No. 229751)  
philip@leiderlegal.com  
Joren S. Ayala-Bass (Cal. Bar No. 208143)  
joren@leiderlegal.com  
One Market Street, Spear Tower, 36th Floor  
San Francisco, CA 94105  
Telephone: 415-215-8397  
eFax: 510-350-9115

Attorneys for Plaintiff Ox Labs Inc.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

OX LABS INC., a California  
Corporation,

**Plaintiff,**

vs.

BITPAY, INC., a Delaware Corporation, and Does 1-10,

## Defendants.

Case No. CV 18-5934-MWF(KSx)

**NOTICE OF RATIFICATION  
AND RATIFICATION BY SFOX,  
INC. PURSUANT TO FED. R.  
CIV. P. 17(a)(3)**

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE that Plaintiff Ox Labs, Inc. (“Ox Labs”) hereby  
 3 submits this Ratification by SFOX, Inc. (“SFOX”), its wholly-owned subsidiary, of  
 4 this action brought by Ox Labs against Defendant Bitpay, Inc. (“Bitpay”).

5 Ox Labs believes that it is the real party in interest in this action. It wholly  
 6 owns SFOX, all relevant negotiations and communications regarding the substance  
 7 of this matter have been performed by Ox Labs’ executives, and the financial harms  
 8 alleged in the Complaint directly impact Ox Labs’ bottom line. However,  
 9 Defendant questioned Ox Labs’ status as the real party in interest in its Motion for  
 10 Summary Judgment (Dkt. 29), and the Court has ordered the parties to meet and  
 11 confer to resolve the issue. (Dkt. 36 at p.6.) After meeting and conferring with  
 12 Defendant, in order to comply with this Court’s order and avoid unnecessary  
 13 litigation, and out of an abundance of caution, Ox Labs submits this Notice of  
 14 Ratification and Ratification pursuant to Federal Rule of Civil Procedure Rule  
 15 17(a)(3). *See generally Mutuelles Unies v. Kroll & Lindstrom*, 957 F.2d 707 (9th  
 16 Cir. 1992).

17 Rule 17(a)(3) requires a ratifying party to authorize continuation of the action  
 18 and to agree to be bound by the lawsuit’s result. Fed. R. Civ. P. 17(a)(3); *Mutuelles*  
 19 *Unies, supra*, 957 F.2d at 712. SFOX hereby ratifies and authorizes both the  
 20 commencement and continuation of this action by the current plaintiff, Ox Labs.  
 21 *See* Declaration of George Melika on Behalf of SFOX, Inc. Ratifying Action by  
 22 Plaintiff Ox Labs, Inc. (“Melika Declaration”), attached hereto as Exhibit A, at  
 23 ¶¶ 3-4. SFOX also agrees to be bound by the result of the action. *Id.* at ¶ 4. This  
 24 includes any judgment which may be rendered in this action determining liability  
 25 for the incident at issue, as well as any damages or other relief found recoverable  
 26 from Defendant. *Id.* SFOX further agrees that it will not commence any separate

1 action against Defendant based on the same set of facts and circumstances at issue  
2 in this case. *Id.* at ¶ 5.

3  
4 Dated: October 17, 2019

Respectfully Submitted,  
5 LEIDER + AYALA-BASS LLP

6 By: /s/ Philip. A. Leider  
7 Philip A. Leider

8 Attorneys for Ox Labs Inc.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**CERTIFICATE OF SERVICE**

I certify that counsel of record, listed below, is being served on October 17, 2019, with a copy of this document through the CM/ECF Filing System as identified on the Notice of Electronic Filing dated October 17, 2019.

/s/ *Anahit Samarjian*  
Anahit Samarjian

Benjamin T. Wang  
[bwang@raklaw.com](mailto:bwang@raklaw.com)

James Tsuei  
[jtsuei@raklaw.com](mailto:jtsuei@raklaw.com)

RUSS, AUGUST & KABAT  
12424 Wilshire Boulevard, 12th Floor  
Los Angeles, California 90025

Lawrence H. Kunin  
[lhk@mmlaw.com](mailto:lhk@mmlaw.com)

MORRIS, MANNING & MARTIN, L.L.P.  
1600 Atlanta Financial Center  
3343 Peachtree Road N.E.  
Atlanta, Georgia 30326